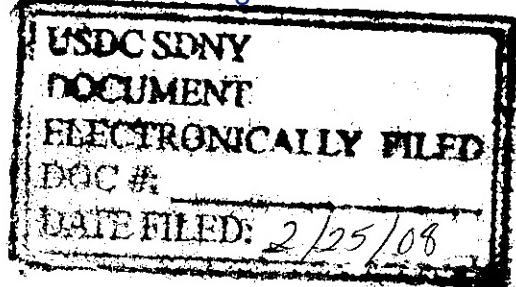
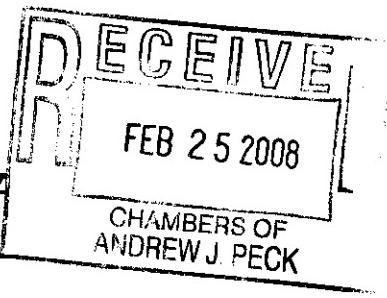


February 20, 2008.

JESSE RODRIGUEZ
#03-A-5528
Attica Corr. Fac.
P.O. Box 149
Attica, New York 14011-0149



BY FAX

MEMO ENDORSED

2/25/08
The time for Rodriguez to file his CPL 440 motion is hereby cont'd until
July 18 - 100 further extensions will be granted.

SO ORDERED:

[Signature]
Hon. Andrew J. Peck
United States Magistrate Judge

Dear Pro Se Clerk:

By order of Honorable Magistrate Peck filed January 28, 2008, directing the petitioner in the above entitled proceeding to file a CPL §440 motion, raising a "ineffective assistance of counsel" claim, in order to fully exhaust for purposes of the pending habeas corpus application. Petitioner asserts that because of the scheduling process for access to the facility law library, he respectfully requests an additional 15 days in order to have the assigned clerk prepare and file his CPL §440 motion regarding the ineffective assistance of counsel claim.

Thanking your Honor for consideration of the additional time period in which to file said motion before the state court, and for your Honor's time and efforts in this matter.

Respectfully,

Jesse Rodriguez
JESSE RODRIGUEZ

cc: Hon. Robert M. Morgenthau
District Attorney
New York County
ATTN: Susan Gliner (SG-1504)
Assistant District Attorney

file
JR/rs

Petitioner declares under penalty of perjury that he has forwarded a copy of this letter to the respondent on February 20, 2008.

s/ *Jesse Rodriguez*
JESSE RODRIGUEZ

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: February 25, 2008

Total Number of Pages: 2

| TO | FAX NUMBER |
|--------------------|--------------|
| Susan Gliner, Esq. | 212-335-9288 |
| | |

TRANSCRIPTION:

MEMO ENDORSED 2/25/08

The time for Rodriguez to file his CPL 440 motion in state court (and notify this Court of same) is extended to 3/17/08 – no further extensions will be granted.

Copies to: Jesse Rodriguez (Mail)
Judge Jed S. Rakoff